

United States Senate

WASHINGTON, DC 20510-4606

COMMITTEE
FINANCE
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BUDGET
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RULES AND ADMINISTRATION

October 2, 2014

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

I am writing to express concern about the U.S. Environmental Protection Agency's (EPA) recent denial of the silicones industry's request for an extension of the deadline for submission of the Study Plan for the Testing Program detailed in the Enforceable Consent Agreement (ECA) between industry and the EPA for environmental monitoring of octamethylcyclotetrasiloxane (D4).

Both industry and the EPA have a stake in ensuring the success of this monitoring program, and it is my hope that the EPA will continue to work to achieve a positive outcome. Collaboration between the EPA and industry stakeholders was a catalyst for the ECA. As you know, a monitoring program this comprehensive presents unique complexities and challenges. The EPA can play a critical role in informing candidate publicly owned treatment works (POTWs) about the importance of their participation.

This matter is of special interest to Evonik Corporation, a company with facilities in Hopewell, Virginia, signatory to the ECA, and participant in the proposed environmental monitoring program. The firm is a job creator and an important contributor to Virginia's economy. Companies like Evonik need regulatory certainty to operate successfully, which is, in part, why I am writing you today.

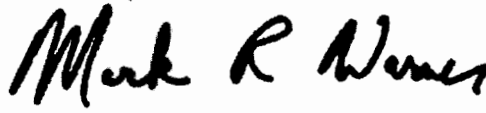
Industry stakeholders requested an extension of the deadline for submitting the Study Plan to the EPA, and assured the Agency that the overall ECA timeline will remain unchanged. The ECA requires that the Study Plan include detailed monitoring protocols to be used at POTWs. It is my understanding that the EPA is aware of the difficulties that industry stakeholders face in securing agreements with POTWs to conduct this complex monitoring at their facilities. Despite outreach to scores of facilities over the last several months, only six of the necessary ten POTWs have executed agreements.

It is important for me to understand the EPA's position on this matter, in particular the rationale for the Agency's denial of the deadline extension. Moreover, the EPA has a role in encouraging POTWs to participate as data collection sites. In addition to a general explanation of your rationale, I respectfully request that you detail what efforts have been undertaken to enlist the support of POTWs in this monitoring program.

Collaboration between industry and the EPA is crucial for the development of this type of data, which is necessary for scientifically sound environmental risk assessments. The program's success offers a model for future partnerships between industry stakeholders and the EPA. The silicones industry, including Evonik, has worked hard to secure monitoring agreements from POTWs. It is critical that you give industry the time and cooperation needed to secure the participation of the remaining POTWs.

I respectfully request your reply prior to the next meeting with industry stakeholders. Should you have any questions, please do not hesitate to contact Caitlin Runyan in my office at (202) 224-0305 or Caitlin_Runyan@warner.senate.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Warner". The signature is written in a cursive, flowing style.

Mark R. Warner
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 12 2014

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Mark R. Warner
United States Senate
Washington, DC 20510

Dear Senator Warner:

Thank you for your letter of October 2, 2014, to the U.S. Environmental Protection Agency concerning the Enforceable Consent Agreement (ECA) for Environmental Testing for Octamethylcyclotetrasiloxane (D4) between the EPA and five manufacturers of the chemical (the Signatory Companies).

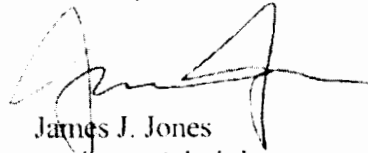
The ECA establishes a testing program for D4's presence in several environmental media. The information gathered by the ECA will be used in conjunction with other available data to conduct a D4 risk assessment. The testing program will be conducted over a one-year period after the Signatory Companies submit and EPA approves an appropriate Study Plan and Quality Assurance Project Plan (QAPP). The ECA became effective on April, 4, 2014, after two years of extensive negotiation. The Signatory Companies committed to the binding requirements of the ECA, including a detailed schedule of tasks to be performed. Under the terms of the ECA, the Signatory Companies agreed to submit a Study Plan on August 2, 2014, which includes site-specific sampling plans for four direct discharge sites and ten third-party wastewater treatment plant (WWTP) sites. We are very sensitive to and sympathetic to the need for regulatory certainty, which we thought had been achieved with a mutually agreed upon schedule. However, only two and a half months after agreeing to the schedule, the Signatory Companies requested an eight-month delay.

In a letter to the EPA dated June 27, 2014, and two subsequent letters, the Signatory Companies, represented by the Silicones Environmental, Health, and Safety Center (SEHSC), requested that submission of the Study Plan be delayed by eight months to April 2, 2015. The basis for the request was the amount of time needed to identify and secure the cooperation of the requisite WWTP sites that meet the criteria specified in the ECA. At that time, the Signatory Companies had secured the cooperation of only eight of the required fourteen WWTP sites and four of these sites are owned by the Signatory Companies. The EPA denied the request because it is the EPA's position that the Signatory Companies have had many months to secure WWTP cooperation and it was not clear either in SEHSC's correspondence or in our July 15 meeting with them that delaying submission of the Study Plan to April 2, 2015, by itself, would result in obtaining such cooperation. The EPA is very concerned that the completion of future ECA requirements could be delayed in a similar fashion.

In your letter, you stated that the success of this ECA serves as a model for future partnerships between industry stakeholders and the EPA. We are very sensitive to the potential influence of this ECA on future ECAs and will continue to work with the Signatory Companies to achieve a positive outcome. Specifically, on November 17, the EPA met with SEHSC and the Signatory Companies to discuss their progress to secure the remaining WWTP sites and subsequent environmental testing. Based on discussion at the meeting, the EPA is pleased that additional WWTP sites have been identified. In addition, the EPA has agreed to prepare a letter for SEHSC and the Signatory Companies to share with WWTPs, encouraging them to participate in the D4 environmental testing program. Finally, the EPA will be preparing a letter thanking those WWTPs that participate in the environmental testing program.

Again, thank you for your letter and I hope the information provided is helpful. If you have any further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at (202) 566-2753 or kaiser.sven-erik@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'James J. Jones', with a long horizontal flourish extending to the right.

James J. Jones
Assistant Administrator

ORRIN G. HATCH
UTAH

ROBERT PORTER
GOVERNOR OF UTAH

104 Hart Senate Office Building

Phone (202) 224-5251
TDD (202) 224-2849
Fax (202) 224-6331

Website: hatch.senate.gov

AL-15-000-0806

United States Senate

WASHINGTON, DC 20510-4402

September 10, 2014

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Laura Vaught
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Room 3426 ARN
Washington, DC 20460

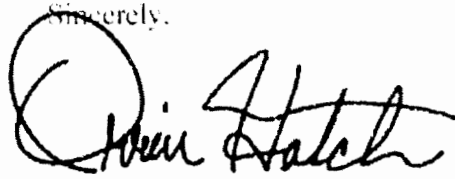
Dear Ms.:

I am enclosing a copy of the correspondence which I received from my constituent.
... *Example*

I would appreciate your review and response to this letter at your earliest convenience.
Please fax your response to the attention of Romel Nicholas, at 202-224-6331.

Again, I appreciate your attention to this matter.

Sincerely,



Orrin G. Hatch
United States Senator

Enclosure

Casework – Paul Bedont

Honorable Senator Hatch,

It has come to my attention that the EPA has placed a hold on the issuance of federal excess property due to no emission inhibitors on the vehicles. For many years the US military has excessed property, in this instance large 2.5 ton vehicles, and made them available to rural fire departments for use as water tenders (tankers) to fight wildland fires. These vehicles are made for rough use and work exceptionally well for our wildland firefighting purposes. Without this federal excess property many fire departments would not have the funding to purchase water tenders, which average \$300,000-\$400,000 each and are not designed for the rough use they receive while firefighting.

Without water tenders there is a high probability that many wildland fires will grow too large to handle, not to mention the costs to fight those fires will skyrocket. You may or may not be aware that federal wildfire staffing reductions have resulted in too few federal firefighting resources to handle initial fire attack on most federal lands in the west. Due to these reductions small rural fire departments are expected to perform the initial attack on most wildland fires on federal and state lands. The federal excess property program has made it cost effective for fire departments to obtain these needed vehicles to fight these fires.

It is my understanding that the EPA is the entity concerned with the excessing of these vehicles. I would remind you and the EPA that we don't drive these vehicles around for pleasure; they are only used to fighting wildland fires. If emissions are the main concern I would remind everyone that the smoke and toxic discharges generated from a wildland fires far outweigh any pollution which would be generated by the limited use of these vehicles.

My proposal, if emissions are the concern, that all federal excess property used for firefighting purposes be exempted from emission standards. This would be a reasonable approach to help resolve this issue.

Thank you,

Chief Paul Bedont
(Price City Fire Department)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 24 2014

OFFICE OF
AIR AND RADIATION

The Honorable Orrin G. Hatch
United States Senate
Washington, D.C. 20510

Dear Senator Hatch:

Thank you for your September 10, 2014, letter to the U.S. Environmental Protection Agency expressing your concerns about delays or possible conditions put on surplus military equipment transfers to local governments through the Department of Defense.

As of August 18, 2014, the Defense Logistics Agency (DLA) has resumed the disposition of the surplus vehicles and equipment that were previously suspended. The practice and terms under which DLA disposes of this equipment remains unchanged from the past practices. My understanding is that DLA only requires tracking of certain militarized vehicles where for public safety reasons DOD would want to limit ownership of the vehicles to the appropriate state and local government authorities. The EPA has no regulations or requirements related to this practice.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is written over a horizontal line.

Janet G. McCabe
Acting Assistant Administrator

AL-14-001-5267

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JANICE MAVS,
MINORITY CHIEF COUNSEL

September 16, 2014

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

As you know, the Committee on Ways and Means of the U.S. House of Representatives is conducting an investigation of the targeting by the Internal Revenue Service (IRS) of taxpayers on the basis of their political views. On June 26, 2014, we wrote to you to request all communications between any persons within the Environmental Protection Agency and several IRS employees for the period between January 1, 2009 and May 14, 2013. Today, we write to request the same for the following IRS employees:

Exempt 6

Thank you in advance for your assistance in this matter. If you have any questions, please contact Committee staff at 202-225-5522.

Sincerely,

Dave Camp
DAVE CAMP
Chairman

C.W. Boustany
CHARLES W. BOUSTANY, Jr. MD
Chairman
Subcommittee on Oversight

AL-14-001-5382

MARIA CANTWELL
WASHINGTON

United States Senate

WASHINGTON, DC 20510-4705

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SMALL BUSINESS

September 19, 2014

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

I strongly support the Environmental Protection Agency's (EPA) proposed determination which would prevent the development of large-scale mining in Bristol Bay, Alaska [EPA-R10-OW-2014-0505]¹. After years of detailed scientific research and a rigorous peer review process, the EPA published *An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* [EPA 910-R-14-001A]² on January 21, 2014. The science in this assessment is clear – the Pebble Mine threatens salmon habitat and the coastal economies that rely on those salmon. To that end, I urge the EPA to expeditiously finalize the 404(c) determination and protect American fishing economies from the Pebble Mine.

The Bristol Bay watershed supports 35 species of fish including all North American salmon species. In fact, Bristol Bay is home to the largest sockeye salmon fishery on Earth. The Bristol Bay sockeye salmon fishery contributes approximately \$1.5 billion to our national economy and supports more than 14,000 jobs annually³ including more than 3,200 Washington state jobs. In addition, nearly 1,000 Bristol Bay fishing permits are held by Washington state fishing families. The commercial fishing industry also supports jobs in related businesses such as processors, gear manufacturers, shipbuilders, and other small business owners.

¹ United States Environmental Protection Agency. (July 2014). *Proposed Determination of the U.S. Environmental Protection Agency Region 10 Pursuant to Section 404(c) of the Clean Water Act: Pebble Deposit Area, Southwest Alaska* (Docket # EPA-R10-OW-2014-0505). Seattle, Washington. Retrieved from <http://www2.epa.gov/bristolbay/proposed-determination-pursuant-section-404c-clean-water-act-pebble-deposit-area>

² United States Environmental Protection Agency. (January 2014). *An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (EPA 910-R-14-001A). Seattle, Washington. Retrieved from <http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=253500>.

³ Knapp, G., M. Guettabi, and S. Goldsmith. (2013). *The Economic Importance of the Bristol Bay Salmon Industry*. Anchorage, Alaska: The University of Alaska Institute of Social and Economic Research. Retrieved from www.iser.uaa.alaska.edu/Publications/2013_04-TheEconomicImportanceOfTheBristolBaySalmonIndustry.pdf

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Safeguarding Bristol Bay and its world class sockeye salmon fishery is the utmost priority for Washington state fishing families, and the thousands of Americans who rely on Bristol Bay salmon for subsistence, their livelihoods, and their way of life. That's why I strongly support the EPA's proposed determination¹ which would protect these fishing economies by establishing specific science-based restrictions for the development of any large-scale mining of the Pebble Deposit.

The recent failure of the Mount Polley tailings dam in British Columbia, Canada is a stark reminder of the extreme risk associated with large-scale mining in this type of habitat. Similar engineering and technologies would be used to extract minerals such as copper from the Mount Polley Mine and Pebble Mine. The Mount Polley Mine disaster sent 2.6 billion gallons of wastewater and 1.2 billion gallons of metals-laden sand into local waterways and lakes⁴. In high concentrations, copper, one of the chemicals released into the environment by the tailings breach, is lethal to salmon and some of their prey. Copper also has numerous sub-lethal effects on salmon including impairing olfaction, which inhibits their ability to navigate to their spawning grounds⁵. The Mount Polley tailings breach has already devastated three Canadian First Nation subsistence fisheries and the residual environmental impacts from the tailings breach will be felt for decades or centuries to come⁶.

The Mount Polley Mine tailings breach would only be a tenth the size of a similar breach at the proposed Pebble Mine. The consequences of a potential breach would be much more devastating in Bristol Bay. We cannot undo all the damage from the Mount Polley breach – but the EPA can protect Bristol Bay from a similar fate. To that end, I request that you file this letter as a formal comment to the proposed 404(c) determination, as well as the attached letters previously sent to your agency throughout this process^{7,8,9,10,11,12,13,14,15}. These letters

⁴ Hoekstra, G. (September 3, 2014). *Mount Polley mine tailings spill nearly 70 per cent bigger than first estimated*. The Vancouver Sun. Retrieved from <http://www.vancouversun.com/Mount+Polley+mine+tailings+spill+nearly+cent+bigger+than+first+estimated/10172302/story.html>

⁵ Woody, C.A. (August 2007). *Copper: Effects on Freshwater Food Chains and Salmon – a literature review*. Fisheries Research and Consulting.

⁶ Hume, M. (September 14, 2014). *Mount Polley tailings spill effects could last for decades*. The Globe and Mail. Retrieved from <http://www.theglobeandmail.com/news/british-columbia/mount-polley-tailings-spill-effects-could-last-for-decades/article20596892/>

⁷ Cantwell, M., P. Murray, J. Merkley, D. Feinstein, and B. Boxer. (June 10, 2013). Letter to President Barack Obama regarding the economic significance of commercial salmon fisheries supported by Bristol Bay, Alaska.

⁸ Cantwell, M. (January 23, 2014). Letter to President Barack Obama urging his Administration to use its authority to safeguard Bristol Bay by filing a notice of the "Proposed Determination" under the 404(c) authority of the Clean Water Act and to base future decisions upon sound science.

⁹ Cantwell, M. (March 18, 2013). Letter to the Security and Exchange Commission expressing concerns about Northern Dynasty Minerals' contradictory use of the Wardrop Report and calling for an investigation into the Pebble Partnership.

demonstrate clear and continued support for the EPA's deliberative, science-based, public process.

Thank you for your attention to this matter. The economies of Washington state, Alaska, and the country depend upon Bristol Bay and its abundant natural resources.

Sincerely,



Maria Cantwell
United States Senator

CC: The Honorable John F. Kerry, Secretary of State
CC: The Honorable Penny Pritzker, Secretary of Commerce
CC: Dr. Kathryn D. Sullivan, Under Secretary of Commerce for Oceans the Atmosphere and National Oceanic and Atmospheric Administration Administrator
CC: Will Stelle, Regional Administrator for the West Coast Region, National Oceanic and Atmospheric Administration
CC: Dennis McLerran, Regional Administrator for Region 10 of the Environmental Protection Agency
CC: Water Docket # EPA-R10-OW-2014-0505

¹⁰ Cantwell, M. (May 30, 2012). Letter to EPA Administrator Lisa Jackson calling for the Agency to move forward with the Bristol Bay watershed assessment public process, to make decisions about the watershed based on science not politics, and to finalize the watershed assessment in a timely manner.

¹¹ Cantwell, M. (May 9, 2012). Letter to EPA Administrator Lisa Jackson calling for a public hearing to discuss the findings of the Bristol Bay Watershed Assessment in Washington state.

¹² Cantwell, M. (September 12, 2011). Letter to EPA Administrator Lisa Jackson supporting the EPA's scientific assessment process to determine the potential impact on water quality and wild salmon fisheries if a "large scale development" (like Pebble Mine, but also other projects) in the Bristol Bay watershed was permitted.

¹³ Bonamici, S., J. McDermott, E. Blumenauer, P. DeFazio, R. Larsen, D. Kilmer, A. Smith, S. DelBene, D. Heck, and K. Schrader. (January 30, 2014). Letter to EPA Administrator Gina McCarthy requesting EPA use its authority under the Clean Water Act to protect Bristol Bay and the fishing industry it supports.

¹⁴ Blumenauer, E., S. Bonamici, S. DelBene, P. DeFazio, D. Heck, D. Kilmer, J. McDermott, K. Schrader, and A. Smith. (June 11, 2013). Letter to President Barack Obama regarding the economic significance of commercial salmon fisheries supported by Bristol Bay, Alaska.

¹⁵ Tierney, J.F., W.R. Keating, E.J. Markey, and C. Pingree. (May 28, 2013). Letter to Acting EPA Administrator Bob Perciasepe requesting the EPA complete and publically release the Watershed Assessment for Bristol Bay prior to the start of Alaska's salmon fishery season.

United States Senate

WASHINGTON, DC 20510

June 10, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

We write to bring to your attention a new report outlining the economic significance of commercial salmon fisheries supported by Bristol Bay, Alaska. Many of our offices have written to the EPA expressing concern over the impact that a large-scale mine, like the proposed Pebble Mine, would have on wild salmon.

Each year, nearly 40 million sockeye (*Oncorhynchus nerka*) return to Bristol Bay supporting North America's most productive salmon fishery. Bristol Bay is home to the largest sockeye fishery in the world and one of the largest Chinook (*Oncorhynchus tshawytscha*) fisheries. The Bristol Bay watershed supports 35 species of fish including all North American salmon species: sockeye, Chinook, coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*) and chum (*Oncorhynchus keta*)¹.

According to EPA's Draft Watershed Assessment released on April 30, 2013, "An Assessment of the Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska" (EPA 910-R-12-004Ba), the proposed Pebble Mine threatens Bristol Bay salmon habitat. The Pebble Mine would be one of the largest hard rock mines in the world and the largest copper porphyry mine in the United States. Water contamination and habitat loss from the construction and operation of a hard rock mine in Bristol Bay would put thousands of fishery-related family wage jobs at risk¹.

To better understand how our economies rely on Bristol Bay salmon, we want to bring a new report to your attention. The University of Alaska Institute of Social and Economic Research (ISER)² recently released an economic report quantifying the economic value of the Bristol Bay commercial sockeye fisheries. ISER found that Bristol Bay's economic impact is critical to the regional economy of the Pacific Northwest and on our home states of Washington, Oregon and California. Specifically, the ISER Report demonstrates that the value of commercial fishing activities in the region account for \$1.5 billion in output value, including \$500 million in direct income. Additionally, Washington, Oregon and California benefit from \$674 million in

¹ United States Environmental Protection Agency. (2013). *An Assessment of the Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska* (EPA 910-R-12-004Ba). Seattle, Washington. Retrieved from http://www.epa.gov/ncea/pdfs/bristolbay/bristol_bay_assessment_crd2_2013_vol1.pdf

² The University of Alaska Institute of Social and Economic Research was created in 1961 by the Alaska Legislature with a mission to "enhance[] the well-being of Alaskans and others, through non-partisan research that helps people understand social and economic systems and supports informed public and private decision-making." <http://www.iser.uaa.alaska.edu/home/about.php>.

United States Senate

WASHINGTON, DC 20510

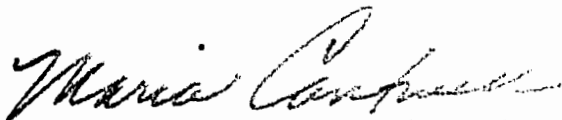
economic activity from Bristol Bay salmon fishing and processing. This economic activity fuels approximately 12,000 seasonal jobs and another 10,000 salmon related industry jobs across the United States, from Alaska to Maine. The Bristol Bay fishery generated the equivalent of nearly 4,400 full-time jobs for Alaskans as well as about 6,000 full-time jobs in Washington, Oregon and California³.

If anyone doubts the devastating impacts of losing salmon fisheries, they need look no further than California. In 2008 and 2009, California's salmon fishing industry lost thousands of jobs, and millions of dollars, due to a catastrophic drop in salmon populations. Today, the state's fishing industry remains closely tied to the health of Bristol Bay, because Californians hold over 140 Bristol Bay fishing permits, the second highest number for any state after Alaska and Washington, and these permits enable over 550 jobs related to salmon fishing. These fishermen – as well as those from Alaska, Washington, and Oregon – cannot risk another salmon fishery collapse.

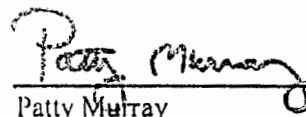
Our states have a strong maritime history of which our commercial fishing industries are a key part. In order to maintain these direct fishing and processing jobs, and the jobs supported by associated businesses like gear manufacturers, shipbuilders, suppliers and other maritime businesses, we must maintain healthy, sustainable fishery resources.

This new economic report clearly demonstrates that Bristol Bay is an integral component of the broader Alaska and Pacific Northwest seafood industry. Thousands of family wage jobs rely on Bristol Bay's world-class salmon runs. For these reasons, we request that the Administration act to protect Bristol Bay from any large-scale mining that would threaten our Nation's vibrant fishing economy. We support a valid, sound science based approach to ensuring that Bristol Bay salmon are safeguarded. To that end, we respectfully ask that you make staff from both the Council on Environmental Quality and the Department of Commerce available to our staff to discuss the implications of this economic report, and how these two agencies, specifically, are working with the EPA to protect our maritime economies.

Sincerely,



Maria Cantwell
United States Senator

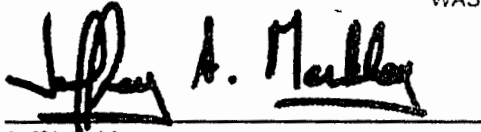


Patty Murray
United States Senator

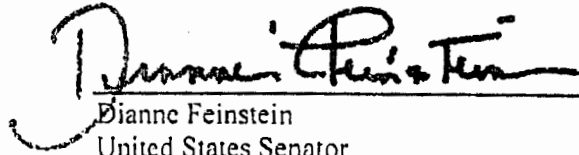
³Knapp, G., Guettabi, M., and Goldsmith, S. (2013). *The Economic Importance of the Bristol Bay Salmon Industry*. Anchorage, Alaska: University of Alaska Anchorage Institute of Social and Economic Research. Retrieved May 18, 2013, from http://www.iser.uaa.alaska.edu/people/knapp/personal/2013_04-TheEconomicImportanceOfTheBristolBaySalmonIndustry.pdf

United States Senate

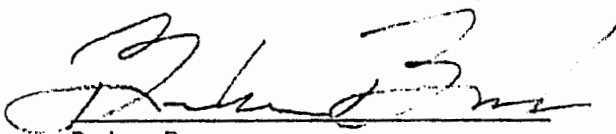
WASHINGTON, DC 20510



Jeff Merkley
United States Senator



Dianne Feinstein
United States Senator



Barbara Boxer
United States Senator

CC: Valerie Jarrett, Senior Advisor to President Barack Obama
CC: Jodi Gillette, Senior Advisor for Native American Affairs to President Barack Obama
CC: Nancy Sutley, Chair of the White House Council on Environmental Quality
CC: Sally Jewell, Secretary of the Interior
CC: Rebecca M. Blank, Acting Secretary of Commerce
CC: Dr. Kathryn D. Sullivan, Acting Under Secretary of Commerce for Oceans and Atmosphere
and Acting National Oceanographic and Atmospheric Administrator
CC: Bob Perciasepe, Acting Administrator of the Environmental Protection Agency
CC: Dennis McLerran, Regional Administrator for Region 10 of the Environmental Protection
Agency
CC: Office of Environmental Information, Environmental Protection Agency: EPA-HQ-ORD-
2013-0189

MARIA CANTWELL
WASHINGTON

United States Senate

WASHINGTON, DC 20510-4705

COMMITTEES:
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SMALL BUSINESS

January 23, 2014

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

I write you today to urge your Administration to use its authority to safeguard the headwaters of Bristol Bay, Alaska, and keep them protected from devastating mining pollutants. Washington state's maritime economy is worth more than \$30 billion in economic activity annually, supporting 148,000 jobs. Of those jobs, 33,500 are supported by the fishing industry -- nearly half of which are directly connected to Bristol Bay salmon-fishing. Recent scientific evidence shows that pollutants from the proposed development of large scale mining near Bristol Bay would irreversibly harm this vital salmon habitat and put in danger Washington's entire maritime economy.

Decisions on the future of this proposed mine should be made based on sound science. After three years of rigorous scientific analysis, peer review, public comment and public hearings, the Environmental Protection Agency (EPA) published its findings regarding the proposed mine on January 15, 2014, in the finalized Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska (EPA 910-R-14-001).

Now, the science is in: the proposed Pebble Mine would have devastating and irreversible impacts on Bristol Bay salmon and our maritime economy which depends on them. The EPA Assessment clearly and methodically outlines how a number of large-scale mining scenarios in the headwaters of Bristol Bay would catastrophically impact wild salmon. The Assessment pulled data from Canadian mining company Northern Dynasty's own business and technical mine plan which was submitted in its Security and Exchange Commission filings on February 24, 2011. In summary, the Assessment found that between 24 and 94 miles of salmon producing streams would be completely destroyed in normal, safe operation of the mine-without factoring in any failures, unintended pollution, or dam breaching. In addition, between 1,300 and 5,350 acres of wetlands would also be completely ruined.

The mine site would require the construction of a huge earthen dam, with some mining scenarios requiring that dam to be the world's largest. This dam would be used to contain toxic waste, including arsenic and copper. Soil properties in the region indicate that toxic tailings would leach into the groundwater creating even more impacts to the Bristol Bay ecosystem. Leaching of these chemicals is considered to be unavoidable and therefore the mine would require

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extensive water treatment in perpetuity which could cost exorbitant taxpayer dollars. There are a number of high-risk variables in the region that would impact the integrity of the mine and support facilities. Seismic activity in the area puts that mine at risk for breaching, leaks and catastrophic failure. A mine failure and subsequent release of mine tailings and toxic waste would impact the entire Bristol Bay ecosystem for thousands of years.

EPA Assessment provides unequivocal evidence of the irreversible harm the mine would pose to the 14,000 direct salmon-fishing jobs in Bristol Bay. In addition to direct jobs impacts, thousands of indirect jobs are at risk in industries ranging from shipbuilding, to gear manufacturing, logistics and seafood processing.

I have heard from numerous Native American tribes with concerns about the impact of the proposed mine on subsistence fishing. About 5,000 Alaska Native people have relied on Bristol Bay salmon for thousands of years. Subsistence fisheries for basic nutrition, culture and the way of life in the Bristol Bay watershed would be drastically altered if the mine were constructed.

Again, the science is clear: the Pebble Mine poses a direct threat to Bristol Bay salmon, maritime jobs and Alaska native people. I urge the Administration to file a notice of the "Proposed Determination" in the Federal Register under the 404 (c) authority in the Clean Water Act to prohibit or restrict the development of the Pebble Mine or similar large-scale mining activity in the headwaters of Bristol Bay. This section of the Clean Water Act has rarely invoked: it has only been used 13 times since enactment - including President Ronald Reagan's work to protect the Florida Everglades. But this proposed mine's potential devastation is so extreme that it warrants invoking such a rarely used authority.

Thank you for your attention to this critical matter for the Northwest economy.

Sincerely,

A handwritten signature in black ink, reading "Maria Cantwell". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Maria Cantwell
United States Senator

MARIA CANTWELL
WASHINGTON

United States Senate

WASHINGTON, DC 20510-4705

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March 18, 2013

The Honorable Elisse B. Walter
Chairman
U.S. Securities and Exchange Commission
100 F St., N.E.
Washington, DC 20549-1090

Dear Chairman Elisse B. Walter,

I am writing to express concern about potential discrepancies in the filing materials provided to the U.S. Securities and Exchange Commission (SEC) by Northern Dynasty Minerals, the Canadian company proposing to construct the Pebble Mine in the headwaters of Bristol Bay, Alaska. Specifically, Northern Dynasty may have provided inaccurate information regarding potential mine specifications and other aspects of their project to mislead investors, many of whom live in my state, and in their filing documents at the SEC.

Northern Dynasty Minerals submitted its "Wardrop Report" to meet filing requirements with the SEC on February 24th, 2011.^[1] Northern Dynasty subsequently informed the SEC and investors that the proposed Pebble Mine design and specifications are feasible and permissible in a press release from 2011 that is also currently on file with your agency.^[2] Concurrent with this filing, the EPA has been conducting a watershed assessment to determine potential long term impacts to the environment and its economic and cultural significance, as is required for this type of mining project. The Watershed Assessment is a science based document with an ongoing public process. According to EPA's Draft Watershed Assessment, the same Wardrop Report submitted to the SEC was used to inform potential future mining scenarios in its Bristol Bay Watershed Assessment.

^[1] <http://www.sec.gov/Archives/edgar/data/1164771/000106299311000722/0001062993-11-000722-index.htm>

^[2] <http://www.sec.gov/Archives/edgar/data/1164771/000106299311000722/exhibit99-1.htm>

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According to EPA's Draft Watershed Assessment released on May 18, 2012, "An Assessment of the Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska" (EPA910-R-12-004d), the proposed Pebble Mine threatens Bristol Bay salmon and the thousands of jobs which rely on them.^[3] Bristol Bay salmon support a multi-million dollar commercial fishing industry that includes thousands of Washington state jobs. In total, Bristol Bay produces roughly half of the world's wild sockeye salmon with a total value of over \$480 million dollars, and supporting over 14,000 jobs. In addition to commercial fisheries, recreational salmon fisheries yield \$75 million for Washington state businesses alone. Bristol Bay salmon are integral to subsistence harvest as well. The annual estimated net economic value of subsistence harvest of salmon in Bristol Bay is between \$84.3 and \$193.7 million.^[4]

Ecosystem degradation is of serious concern to many investors. Last year, nearly 30 investor organizations representing over \$170 billion in assets urged the EPA to complete a scientific assessment to determine the Pebble Mine's potential impact on salmon. These investor organizations hold over 13 million shares in Anglo American PLC, a UK-based mining company with a 50% stake in the proposed Pebble Mine.^[5]

Recently, however, the Northern Dynasty Minerals referred to the very same Wardrop Report as a "fantasy proposal" when it delivered formal testimony to the EPA in August of 2012.^[6] This contradictory use of the Wardrop Report is extremely concerning as it is unclear whether Northern Dynasty Minerals is misleading investors by attracting investment for a "fantasy proposal" or it is intentionally providing fraudulent testimony to the EPA.

^[3] EPA's Draft Bristol Bay Watershed Assessment, "An Assessment of the Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska," May, 2012, available

at: http://www.epa.gov/ncea/pdfs/bristolbay/bristol_bay_assessment_erd_2012_vol1.pdf

^[4] An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska; Appendix E: Bristol Bay Wild Salmon Ecosystem Baseline Levels of Economic Activity and Values, available at:

<http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=241743>

^[5] Trillium Asset Management, "Largest Open Pit Mine in North America Cause for Investor Concerns— Investors Representing \$170 Billion Urge EPA to Safeguard Alaska's Bristol Bay," April 12, 2011, available at: <http://www.trilliuminvest.com/news-articles-category/advocacy-news-articles/largest-open-pit-mine-in-north-america-cause-for-investor-concerns-%e2%80%93-investors-representing-170-billion-urge-epa-to-safeguard-alaska-%e2%80%99s-bristol-bay/>

^[6] Dan Fiorucci, "Public Weighs In on Pebble Mine at EPA Hearing," August 7, 2012, available at: <http://www.ktuu.com/news/ktuu-public-gets-one-more-chance-to-weigh-in-on-pebble-before-scientists-do-20120807,0,7102116.story>

I urge you to investigate this matter immediately. Due to the importance of this issue to Washington State and the Pacific Northwest, I would greatly appreciate being informed about all developments on this matter.

Sincerely,

A handwritten signature in black ink, reading "Maria Cantwell". The signature is fluid and cursive, with the first name "Maria" and last name "Cantwell" clearly distinguishable.

Senator Maria Cantwell

United States Senate

WASHINGTON, DC 20510-4705

COMMITTEES:
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May 30, 2012

Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

I am writing to you in response to the Environmental Protection Agency's (EPA) external review draft of "An Assessment of the Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska" (EPA910-R-12-004d), which was released earlier this month. The draft assessment provides a clear scientific basis for the concerns of thousands of Alaska and Washington fishermen and many other stakeholders that large scale mining development in the Bristol Bay watershed—like the proposed Pebble Mine—could have devastating impacts on ecosystems that support millions of wild salmon and tens of thousands of jobs which rely on them.

It is important that the EPA continues to adhere to science-based decision making. The EPA dedicated significant resources and contracted top scientists to conduct serious and detailed analyses, which produced this robust scientific report. I find it particularly informative because the EPA was able to draw upon Pebble's own data, analysis, and preliminary mine proposal documents such as the February 2011 Wardrop report, commissioned by Northern Dynasty Minerals.

I found the following EPA findings particularly telling:

- "... an operation of this size would inevitably destroy or degrade habitat of salmonid fish.
- The mine footprint would eliminate or block 87.5 km of streams under the minimum mine size and 141.4 km under the maximum mine size, of which 21.7 and 33.8 km, respectively, support spawning and rearing habitat for coho, Chinook, and sockeye salmon and Dolly Varden.
- Wetlands would be filled or excavated in 10.2 km² and 17.3 km² of the mine footprint under the minimum and maximum mine sizes, respectively.
- Enormous water withdrawals would reduce stream flows and degrade additional stream and wetland habitats."

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Thousands of my constituents have contacted me expressing their concerns regarding the widespread, long-term impacts that the proposed Pebble Mine would have on the natural resources they rely on for their livelihoods. About 1,000 Washingtonians hold commercial fishing permits in Bristol Bay, the world's largest commercial salmon fishery, supporting thousands more sustainable fishery jobs in my state. In addition, thousands of Washingtonians are active recreational fishers in Bristol Bay.

The release of the draft Bristol Bay watershed assessment is a positive first step, but it is critical that we continue to make timely progress towards finalizing the assessment. Thousands of fishermen and sportsmen in Alaska and Washington have contacted me about how the uncertainty created by the Pebble Mine and EPA's unresolved process is beginning to negatively impact their businesses. This fishery is a unique and irreplaceable asset that supports tens of thousands of commercial and recreational fishing, boat building, outfitting, processing, restaurant, and support jobs. We need to send these communities a strong message: continue to invest in your businesses. In order to encourage investment, we need to assure communities that we will protect their rich salmon resources and ways of life from large scale development that would harm wild salmon. To that end, I urge the EPA to maintain the 60 day comment period and finalize the Bristol Bay watershed assessment. That's why EPA's timeline must be kept, maintaining July 23, 2012, as the deadline for public comment.

Thank you for your attention to this important matter, the EPA's dedication to an open and transparent public comment period, and your continued commitment to using sound science in resolving challenging resource use conflicts.

Sincerely,

A handwritten signature in black ink, reading "Maria Cantwell". The signature is fluid and cursive, with the first name "Maria" and last name "Cantwell" clearly distinguishable.

Maria Cantwell
United States Senator

cc: Nancy Sutley, Chair of the Council on Environmental Quality, Executive Office of the President
cc: Dennis McLerran, Region 10 Administrator, Environmental Protection Agency

MARIA CANTWELL
WASHINGTON

United States Senate
WASHINGTON, DC 20510-4705

COMMITTEES:
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May 9, 2012

Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson,

I write you today in support of the Environmental Protection Agency's (EPA) plan to hold public meetings to outline findings of the Bristol Bay watershed assessment. Thousands of Washingtonians rely on Bristol Bay salmon for their livelihoods. Due to Washington State's clear connection with the Bristol Bay watershed, I ask that you hold public meetings in Washington State to review the watershed assessment.

Nearly a thousand Washingtonians hold commercial fishing permits in Bristol Bay, supporting thousands of jobs in my state. In 2008, Bristol Bay commercial fisheries – including a catch of around 42 million sockeye – yielded over \$113 million dollars, while recreational salmon fisheries yielded an additional \$75 million for Washington state businesses alone. In total, the Bristol Bay commercial and recreational salmon fisheries are worth at least half a billion dollars annually.

Commercial fishermen, charter outfits, gear suppliers, processors, restaurants, shipyards, and tourism ventures have called on the EPA to ensure that high quality scientific analysis is completed in order to understand how large scale mining operations could impact the fisheries. Thousands of my constituents have also contacted me asking for more information on the EPA's process, results, and plan moving forward. A science driven, independent process is critical to evaluating the potential risks a new large-scale hard rock mine, such as the proposed Pebble Mine, could have on our economy and the environment. This is why I wrote to you in support of the EPA's watershed assessment last September.

Salmon season begins in June, which means many Washington state based fishermen will be out of contact during critical junctures in this process. To ensure all Pacific Northwest have the opportunity to be part of this public comment process and provide valuable feedback, I hope you will be able to hold this public meeting in Washington State no later than June 1, 2012.

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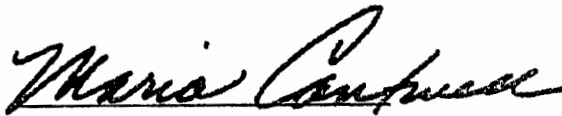
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I greatly appreciate your dedication to a transparent public process that relies on high quality scientific data and balances diverse stakeholder interests. Due to the importance of this issue to Washington State and the Pacific Northwest, I would greatly appreciate being informed about all developments on this matter.

Sincerely,

A handwritten signature in black ink, reading "Maria Cantwell". The signature is fluid and cursive, with the first name "Maria" and last name "Cantwell" clearly distinguishable.

Maria Cantwell
United States Senator

cc: Dennis McLerran, Regional Administrator for Region 10, Environmental Protection Agency

MARIA CANTWELL
WASHINGTON

United States Senate

WASHINGTON, DC 20510-4705

COMMITTEES:
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September 12, 2011

Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

I write in support of the Environmental Protection Agency's (EPA) decision to conduct a scientific analysis of the effect a large-scale development project could have on the Bristol Bay watershed. A science driven, independent process is critical to evaluating the potential risks a new large-scale hard rock mine, such as the proposed Pebble Mine, could have on water quality in this pristine world-class salmonid habitat. The potentially devastating impacts – both economic and environmental – of mining or placing fill material and mining waste in the waters that support valuable salmon fisheries, must be thoroughly examined and evaluated through the most rigid scientific standards.

Wild salmon populations around the world are disappearing at an alarming rate. Bristol Bay, one of the only undeveloped salmon habitats left, supports the world's largest sockeye salmon fisheries, one of the largest king salmon runs, and abundant trophy rainbow trout.

EPA's assessment should focus on a transparent, science-based process which relies on a broad range of experts and peer-reviewed research. To aid this effort, I strongly recommend the EPA collaborate and leverage the expertise of other key federal agencies. In particular, I recommend that you utilize the National Marine Fisheries Service (NMFS) and the United States Geological Survey (USGS) who have unique Bristol Bay regional data. NMFS scientists at the Alaska Fisheries Science Center in Seattle regularly conduct stock assessment surveys in the Bristol Bay ecosystem which is essential baseline data required for EPA's short term study. In addition, the work of experts at the USGS will be invaluable to the EPA in characterizing the long-term risk tectonic activity could have on the integrity of any toxic tailing pools.

In addition to the many scientific questions which will be addressed by EPA's analysis, I also ask you to please keep in mind that the salmonid populations in Bristol Bay are economic lynchpins for commercial fishermen, not just of Alaska but also of my home state of Washington. Nearly a thousand Washingtonians hold commercial fishing permits in Bristol Bay, supporting thousands more fishery jobs in my state. In 2008, 42 million sockeye were caught in Bristol Bay. In total, Bristol Bay commercial fisheries yielded over \$113 million dollars while recreational salmon fisheries yielded an additional \$75 million for Washington State businesses alone. In total, the Bristol Bay commercial and recreational salmon fisheries are worth at least half a billion dollars annually. Thousands of my constituents have contacted me expressing their concerns regarding the potentially catastrophic and widespread long-term impacts of the proposed Pebble Mine, which would be the world's largest man-made excavation.

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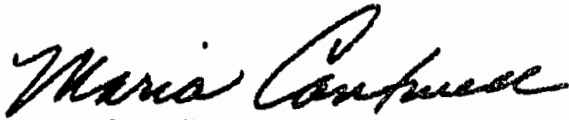
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Due to the importance of this issue to Washington State and the Pacific Northwest, I would greatly appreciate being informed about all developments on this matter. Should scientists determine that pollution from a large-scale development in the Bristol Bay watershed could have unacceptable adverse impacts on water quality and the fish stocks that depend on it, I would support efforts to prohibit or appropriately restrict such activities, including the utilization of Section 404(c) of the Clean Water Act.

Sincerely,

A handwritten signature in black ink, reading "Maria Cantwell". The signature is fluid and cursive, with the first name "Maria" and last name "Cantwell" clearly distinguishable.

Maria Cantwell
United States Senator

cc: Dennis McLerran, EPA Region 10 Administrator

Congress of the United States
Washington, DC 20515

January 30, 2014

The Honorable Gina McCarthy
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Administrator McCarthy:

We are writing to thank you for your thorough work on completing a Watershed Assessment on the proposed Pebble Mine in Bristol Bay, Alaska. Because we are very concerned that a large-scale mining project would cause irreparable damage to the Bristol Bay Watershed, we ask that you use your authority under the Clean Water Act to protect Bristol Bay and the fishing industry it supports.


Bristol Bay is home to all five species of North American Pacific salmon, and up to 40 million salmon return to the fishery each year. This fishery provides thousands of jobs in the commercial fishing industry and also supports a vibrant outdoor tourism industry. Recreational fishermen travel from around the world to fish in this pristine ecosystem, anglers from our states lead trips to Bristol Bay, and equipment manufacturers outfit these expeditions. In recent years, the health of this fishery has been threatened by the proposed construction of what would be the largest open-pit mine in North America: Pebble Mine. The EPA Watershed Assessment confirmed our most serious concerns and those of our constituents, that mining on the scale of Pebble would compromise the health of thousands of acres of wetland, even without a spill or accident.

The Bristol Bay fishery is a vital economic engine for the Pacific Northwest, impacting more than half of the region's commercial and recreational fishing industries. According a report released last year by the Institute for Economic and Social Research at the University of Alaska, the fishery supports over 5,000 jobs and \$618 million in annual economic output in Oregon and Washington alone. The fishing community is too important to the economy, and history, of the Pacific Northwest to be threatened with this massive development.

In the past, we have contacted EPA to ask that you protect Bristol Bay from any industrial development that would be detrimental to the fishing economy of the Pacific Northwest. The Watershed Assessment clearly indicates that Pebble Mine constitutes such a threat. We urge you to use your authority under the Clean Water Act to protect the Bristol Bay salmon fishery from the devastating impact of Pebble Mine.

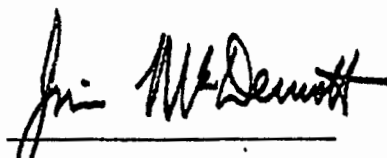
We thank you for your work on this important issue, and appreciate your consideration of our request.

Sincerely,



SUZANNE BONAMICI

Member of Congress



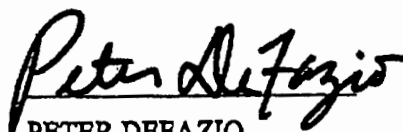
JIM MCDERMOTT

Member of Congress




EARL BLUMENAUER

Member of Congress



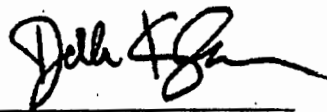
PETER DEFAZIO

Member of Congress



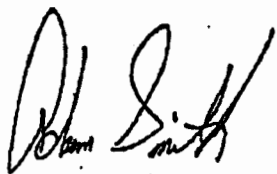
RICK LARSEN

Member of Congress



DEREK KILMER

Member of Congress



ADAM SMITH

Member of Congress



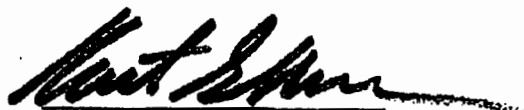
SUZAN DELBENE

Member of Congress



DENNY HECK

Member of Congress



KURT SCHRADER

Member of Congress

Congress of the United States
Washington, DC 20515

June 11, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

We write to express our strong support for protecting the thousands of American jobs and substantial economic opportunities in Bristol Bay, Alaska. Bristol Bay is home to one of North America's last great wild salmon fisheries, with nearly 40 million salmon returning to the region each year. Those fish support the jobs of commercial fishermen and women who earn a living fishing, processing and distributing these salmon throughout the world, as well as a healthy tourism economy. Unfortunately, the waters and wetlands that sustain this economic engine are threatened by a proposal to turn the habitat where these fish spawn into an industrialized hard rock mining zone.

A recent report issued by the Institute of Economic and Social Research - University of Alaska (IESR) found that Bristol Bay plays a critical role in the regional economy of the Pacific Northwest. Specifically, it demonstrates that the value of Bristol Bay based commercial fishing activities accounts for an impressive \$1.5 billion in annual output value, including \$500 million in direct income. Additionally, the impact across Washington and Oregon sustains \$618 million in indirect economic activity, mostly through seafood processing. This results in more than 1,000 jobs for Alaskans and nearly 6,000 jobs in Washington, Oregon and California. Clearly, the health of Bristol Bay plays a very significant role in maintaining the economic vitality of a region that relies heavily on the entire commercial fishing industry.


We represent states with strong commercial fishing industries. The fishermen and women in our states depend on the well-being of our nation's fisheries so the businesses they run can continue to thrive. Unfortunately, the proposed Pebble Mine has created a cloud of uncertainty. With the looming threat of a massive open pit mine that could destroy their fishery, these businesses lack the certainty required to grow their operations. That's why over 100 commercial fishing organizations from across the country have written in opposition to the Bristol Bay mining permit and asking for a comprehensive review of the mine's impact.

Bristol Bay plays a vital role in sustaining the economic health of the commercial fishing industry in Alaska and along the Pacific coast. The IESR report demonstrates that fishing and processing in the region have a wide-ranging impact in places not traditionally associated with Bristol Bay or Alaska. In the past, many of us have offered our support for the need to conduct a scientific review of the region and we continue to support a thorough approach. However, early assessments of EPA research have reinforced our concerns about the impacts of large scale resource development in Bristol Bay. For these reasons, we request that your administration move quickly to protect Bristol Bay from any open pit mining that would threaten the Pacific region's fishing economy.

Sincerely,




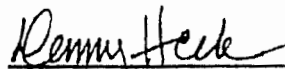
Earl Blumenauer
Member of Congress

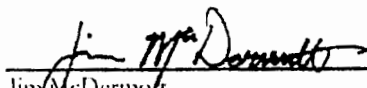


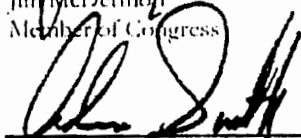
Suzanne Bonamici
Member of Congress


Page 1 of 2

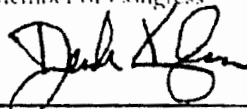

Suzan DelBene
Member of Congress



Denny Heck
Member of Congress


Jim McDermott
Member of Congress


Adam Smith
Member of Congress


Peter DeFazio
Member of Congress


Derek Kilmer
Member of Congress


Kurt Schrader
Member of Congress

U.S. Environmental Protection Agency Acting Administrator Bob Perciasepe, Chair of the Council on
Environmental Quality Nancy Sutley

Congress of the United States

Washington, DC 20515

May 28, 2013

The Honorable Bob Perciasepe
Acting Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Acting Administrator Perciasepe,

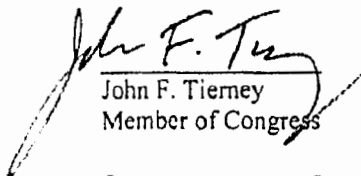
We write to respectfully request that the Environmental Protection Agency (EPA) complete and publicly release the Watershed Assessment for Bristol Bay prior to the start of Alaska's salmon fishery season this summer. It is believed that this critical assessment will help determine the impact that prospective large-scale mining projects could have on the Bristol Bay watershed and Alaska's wild sockeye salmon run.

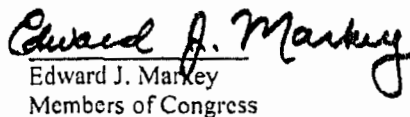
In New England, which has a long and proud history of commercial fishing, the importance of maintaining abundant and healthy fisheries is certainly appreciated and understood. We have seen firsthand the impact that a potential loss of an industry can have on a local community. New England fishermen and their communities, like their counterparts in Alaska, are dependent on the health of local fisheries to sustain their businesses and their families.

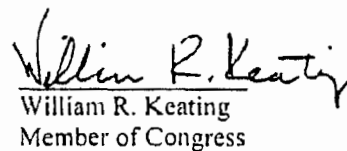
Additionally, a number of New England fishermen reportedly hold commercial fishing permits in Bristol Bay and many crew members make their way to Bristol Bay to work during the region's fishing season. We understand that these fishermen are concerned about the future of Bristol Bay's abundant fisheries. Several fishing organizations, including the Gloucester Fishermen's Wives Association, the Maine Lobsterman's Association, and the Maine Coast Fishermen's Association have communicated to us their support and concern for the fishermen of Alaska. We take seriously their views on this important issue and respectfully encourage the EPA to complete and publicly release a final Watershed Assessment for Bristol Bay prior to the start of Alaska's salmon fishery season this summer.

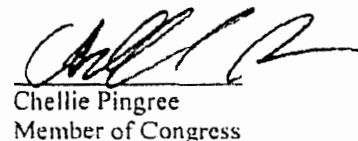
Thank you for your attention and consideration. We look forward to your prompt response.

Sincerely,


John F. Tierney
Member of Congress


Edward J. Markey
Members of Congress


William R. Keating
Member of Congress


Chellie Pingree
Member of Congress

CC: Dennis McLerran, EPA Region 10 Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE
REGIONAL
ADMINISTRATOR

The Honorable Maria Cantwell
United States Senate
511 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Cantwell:

Thank you for your letter to Gina McCarthy, Administrator for the U.S. Environmental Protection Agency, dated September 19, 2014. Administrator McCarthy has asked that I respond to you on her behalf.

We appreciate the support you provided throughout the EPA's three-year scientific evaluation of the potential effects of large-scale mining on Bristol Bay's valuable salmon fishery resources. We also appreciate your ongoing correspondence regarding EPA Region 10's proposal under Section 404(c) of the Clean Water Act to restrict the use of certain waters in the Bristol Bay watershed in Southwest Alaska as disposal sites for dredged or fill material associated with mining the Pebble deposit. As you know, EPA Region 10 has taken this initial step to protect one of the world's most valuable salmon fisheries.

Like you, EPA Region 10 is concerned about accidents and failures. While not a basis for any of the restrictions in the EPA's Proposed Determination, the recent failure of the tailings dam at the Mount Polley Mine on the Fraser River graphically illustrates that catastrophic accidents can occur – even at modern mines and in countries with environmentally protective regulations. The potential for accidents and failures is addressed in EPA's Bristol Bay Watershed Assessment.

The public comment period for the Proposed Determination closed on September 19, 2014, and the EPA received over 600,000 comments. In addition, the EPA received more than 300 oral comments during the seven public hearings that were held in Alaska the week of August 11, 2014. The EPA will consider all information, including your letter, during the review process before making a final determination.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Rick Parkin, the EPA's management lead on the Bristol Bay matter, at (206) 553-8574.

Sincerely,

Dennis J. McLerran
Regional Administrator

AL-14-001-1223

DAVE CAMP, MICHIGAN,
CHAIRMAN

SAM JOHNSON, TEXAS
KEVIN BRADY, TEXAS
PAUL RYAN, WISCONSIN
DEVIN KUNES, CALIFORNIA
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TIM GIFFER, ARKANSAS
JIM RENACE, OHIO

JENNIFER SAFARIAN,
STAFF DIRECTOR

Congress of the United States

U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS

1102 LONGWORTH HOUSE OFFICE BUILDING
(202) 225-3625

Washington, DC 20515-6348

<http://waysandmeans.house.gov>

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CHARLES B. RANGEL, NEW YORK
JIM McDERMOTT, WASHINGTON
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DANNY K. DAVIS, ILLINOIS
LINDA SANCHEZ, CALIFORNIA

JANICE MAYES,
MINORITY CHIEF COUNSEL

June 16, 2014

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

As you know, the House Committee on Ways and Means (Committee) is conducting an investigation related to the Treasury Inspector General for Tax Administration's May 14, 2013 audit report, "Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review." The day after the report was released, President Obama promised to "work with Congress as it performs its oversight role. And [to] work hand in hand with Congress to get this thing fixed." Given the revelation last Friday, June 13, 2014 that the Internal Revenue Service (IRS) had lost key evidence relating to the targeting of conservative organizations on the basis of name and policy position, we are writing to request critical assistance that only the Environmental Protection Agency can provide.

Throughout its ongoing investigation, the Committee has uncovered material evidence of wrongdoing at the IRS, including specific actions of former IRS official Lois Lerner, which, as you know, on April 9, 2014, the Committee referred to the Department of Justice. However, last week, the IRS claimed that a technological failure resulted in the loss of all emails between former Exempt Organizations Director Lois Lerner and parties outside of the IRS for the period between January 1, 2009 and April 2011. The Committee is in possession of some Lerner emails for this time period, but only those written to or from other IRS employees. Any emails written to or from Lerner and persons outside of the IRS would, according to the agency's own admission, be lost.

In order to ensure accountability and "get this thing fixed," please provide by June 30, 2014, all communications between Lois Lerner and any persons within EPA for the

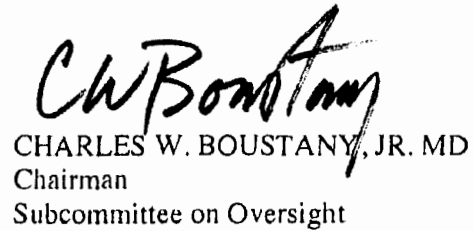
period between January 1, 2009 and May 1, 2011. Also, please indicate in writing when EPA was informed, and by whom, that the IRS had lost critical Lerner documents.

Thank you in advance for your assistance in this matter. If you have any questions, please contact Committee staff at 202-225-5522.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Camp". The signature is fluid and cursive, with the first name "Dave" being more prominent than the last name "Camp".

DAVE CAMP
Chairman

A handwritten signature in black ink, appearing to read "CW Boustany". The signature is cursive and somewhat stylized, with the initials "CW" being very prominent.

CHARLES W. BOUSTANY, JR. MD
Chairman
Subcommittee on Oversight

AL-14001-0851

11 pages
6/5/2014

TO: David McIntosh p.202564 5200 f.202 501 1519

FROM: Office of Congresswoman Vicky Hartzler

SUBJECT: *exempt 6*

REPLY TO: Janna Worsham
Case Worker
2415 Carter Lane, Suite 4
Columbia, MO 65201

Phone: 573-442-9311
Fax: 573-442-9309

NOTES: Difficulties he has experienced in obtaining
"The Maida Report" Under the FOIA request.

Please review and provide response.

Thank you for your help with this situation. jw

exempt b

U.S. Representative Vicky Hartzler MO-4

Privacy Authorization Form

Date:

JUNE 1, 2014

Name: Last

First

Middle

Permanent Address:

MO

Zip Code

Telephone: Home

(Cell)

Work:

Email:

Social Security Number:

Date of Birth:

Case/File Number:

Federal Agency:

Problem:

As mandated by the 1974 Privacy Act, I authorize U.S. Representative Vicky Hartzler and her staff to make inquiries on my behalf and to obtain information on my personal records or files.

Signature:

Date:

JUNE 2, 2014

Return to:
Congresswoman Vicky Hartzler
2415 Carter Lane Suite 4
Columbia, Missouri 65201
573-442-9311
Or FAX to 573-442-9309

I have submitted to EPA four separate Freedom of Information Act (FOIA) requests to obtain a document I call "The Malda Report," and all requests have been denied. The report was submitted by Dr. Peter Malda, who holds a J.D. and a Ph.D. in behavioral psychology. Dr. Malda spent his entire career as a labor relations mediator and consultant, with offices in Washington, D.C. I have attached two of the requests and their denials by EPA.

Dr. Malda was hired by EPA at the suggestion of the Office of Personnel Management (OPM) after I was sent home under provisions of the Family Medical Leave Act (FMLA). My primary care physician and an experienced counselor had agreed that temporary removal from work was necessary for me to recover from work-induced stress caused by threats and inconsistent behaviors from my supervisor, the Director of the Western Ecology Division of the Environmental Protection Agency.

Dr. Malda interviewed me as part of a three-day visit to WED. Prior to returning to Washington D.C, he told he had determined that:

- I was in a hostile work environment;
- I was lucky I hadn't already been fired by EPA, stating that firing is a common fate of a "whistleblower," and that he defined "whistleblower" as anyone who didn't "go with the flow."
- EPA had violated federal laws and policies by not responding as required when I reported personal threats against me, including a threat that if I tried to leave EPA, my supervisor would kill me;
- He had uncovered evidence of substantial waste, fraud and abuse;
- The marginalization I had experienced was among the most egregious he had encountered in his career;
- I should never again "set foot in the Corvallis laboratory;"
- My professional and personal diminishment had been extensive and profound.

I asked Dr. Malda if I would receive a copy of the report and he responded that he couldn't give it to me, but because the report was conducted at EPA request to determine facts surrounding my having been sent home from work because of work conditions, I was entitled to a copy under FOIA and should "easily" be able to obtain it.

I am requesting that Congresswoman Hartzler assist me in obtaining a copy of the long-withheld report. Please be aware that I was fired by EPA after my first FOIA request, and an EEO complaint and request for reasonable accommodation both were ignored.

Exempt 6 - 06/12/14

The Law Office of
SUSAN E. JEWELL

7125 SW BURLINGAME AVENUE, SUITE 100, PORTLAND, OREGON 97219
503-244-4880 • FAX 503-246-2242 • sjewell@dslnorthwest.net

Licensed in Oregon & DC

June 2, 2011

Via Email: hq.foia@epa.gov

National Freedom of Information Act Officer, U.S. EPA
FOIA and Privacy Act Branch
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Appeal of Partial Denial of FOIA Request No. HQ-FOI-01019-11

To Whom It May Concern:

I represent *Exempt* and, on his behalf, I am appealing the partial denial of the FOIA Request noted above. Enclosed you will find a Power of Attorney executed by *Exempt* in favor of The Law Office of Susan E. Jewell. The FOIA response and partial denial letter is dated May 3, 2011. Today marks thirty days since the date of the letter. This appeal is, therefore, timely.

The document that was denied was the report prepared by Peter Maida in response to a complaint by *Exempt* about his hostile work environment. Dr. Maida provided his report to EPA – NHEERL. The FOIA response (denial) invokes a claim of exemption pursuant to FOIA 5 U.S.C. Section 552(b)(5), Exemption 5, Deliberative Process Privilege; Pre-decisional, Deliberative Documents, and Draft of Documents.

Exempt objects to the assertion of the exemption and the privilege as the basis upon which to deny the entire report. It is a fact-finding report containing factual statements and summaries of statements by my client and others. Such fact-finding is not entitled to an exemption or privilege as claimed. If EPA used the report to decide and deliberate on what course of action to take in the future, then the documents created as a part of that subsequent deliberation would be potentially privileged, but not the fact-finding document(s) itself – or those fact-finding parts of it.

The report by Dr. Maida is a fact-finding report according to its recipients at EPA. The report has been described by its recipient Steven Hedtke, (now retired) Associate Director for Ecology, NHEERL, as "the results of the fact-finding conducted in Corvallis" in an email to *Exempt* on December 18, 2009. Dr. Hedtke also described the contents as including "evidence" of a breakdown of effective communication. (*Id.*). Subsequently, in an August 2010 email, Dr.

POWER OF ATTORNEY

I, Exempt, do hereby grant

The Law Office of Susan Elizabeth Jewell, 7225 SW Burlingame Avenue, Suite 100, Portland, Oregon 97219 (503-244-4880), Power Of Attorney to act for and on my behalf, including the right to have access to records pertaining to me which are contained in records, reports, investigations, examinations or system(s) of records maintained by any private entity and any agency or office of the Government of the United States, any state government, any municipal government, or any other governmental entity, including medical records and documents and records otherwise protected from disclosure under the Privacy Act, 5 U.S.C. § 552a. A facsimile, electronic, or duplicate copy of this document is to be given the same effect as the original.

Dated: 10-26-2010

Exempt
Signature



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 3 2011

OFFICE OF
RESEARCH AND DEVELOPMENT

exempt
Subject: Freedom of Information Act Request: HQ-FOI-01019-11

Dear *exempt*

This is in response to your Freedom of Information Act request, cited above, dated March 8, 2011, requesting "(1) [a] Report prepared by Peter Maida in response to a complaint by me *exempt* about my hostile work environment; and "(2) [a] Copy of the contract and payment records for the contract that EPA entered into with Peter Maida to investigate my complaint and to write this report.

Your request was assigned to the Office of Research and Development (ORD), National Health & Environmental Effects Research Laboratory (NHEERL). The requested report is an internal briefing document for ORD/NHEERL's decision making purposes only. We have determined that the document is exempt from mandatory disclosure pursuant to FOIA 5 U.S.C. Section 552(b) (5), Exemption 5, Deliberative Process Privilege; Pre-decisional, Deliberative Documents, and Drafts of Documents. The requested contract and payment records data are enclosed and described on the accompanying Index of Releasable Documents. This completes our response to your FOIA request. There is no charge to you processing your case because the costs incurred were below the chargeable threshold.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, email: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004. Your appeal must be in writing and must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: FOIA and Privacy Act Request

November 14, 2011

Submitted via US Mail and fax

Dear FOIA and Privacy Act Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, and the Privacy Act, Public Employees for Environmental Responsibility (PEER) requests U.S. Environmental Protection Agency (EPA) records regarding a report written by Dr. Peter Maida concerning *exempt* workplace complaint. Specifically, we request the following:

1. The report prepared by Dr. Maida in response to a complaint by *exempt* regarding hostile work environment; and
2. All the supporting materials for this report written by Dr. Maida pertaining to *exempt* *exempt* and *exempt* workplace complaint.

PEER is unsure which PA system of records would contain this information and requests that a copy of the records be sent to us. *exempt* verification of identity and consent to release the records to PEER is attached to this request.

In a January 21, 2009 memo, President Barack Obama declared the following policy for the Executive Branch:

"The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve... All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA."

For any documents or portions of documents that you block release due to specific exemption(s)

4. The disclosure must contribute "significantly" to public understanding of government operations or activities.

While it is difficult to warrant in advance to seeing it just how significant the information will be to the general public, the requested information will shed light on the dysfunctional agency culture. If, as we strongly suspect, the records show that *exempt* was treated abysmally for reporting agency problems, it will be of paramount interest to the public.

5. The extent to which disclosure will serve the requestor's commercial interest.

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.

6. The extent to which the identified public interest in the disclosure outweighs the requestor's commercial interest.

As stated above, disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c) (3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I look forward to receiving the agency's final response within 20 working days.

Cordially,

Kathryn Douglass
Staff Counsel

Enclosure: Certification of Identity and Consent to Release Records to PEER by *exempt*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 14 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

Ms. Kathryn Douglass
Public Employees for Environmental Responsibility
2000 P Street, NW
Suite 240
Washington, DC 20036

Subject: Freedom of Information Act Request: HQ-FOI-00485-12

Dear Ms. Douglass:

This is in response to your Freedom of Information Act request, cited above, dated December 19, 2011, requesting "U.S. Environmental Protection Agency (EPA) records regarding a report written by Dr. Peter Maida concerning *exempt* workplace complaint. Specially, we request...

1. The report prepared by Dr. Maida in response to a complaint by Dr. Hammer regarding hostile work environment; and
2. All the supporting materials for this report written by Dr. Maida pertaining to *exempt* workplace complaint.

Your request was assigned to the Office of Research and Development (ORD), National Health & Environmental Effects Research Laboratory (NHEERL). The requested report is an internal briefing document for ORD/NHEERL's decision making purposes only. We have determined that the document is exempt from mandatory disclosure pursuant to FOIA 5 U.S.C. Section 552(b)(5), Exemption 5, Deliberative Process Privilege, Deliberative Documents, and Drafts of Documents. In addition, we have determined that the document is exempt from mandatory disclosure pursuant to 5 U.S.C. Section 552(b)(6), Exemption 6, Personal Information Affecting an Individual's Privacy, and 5 U.S.C. Section 552(b)(7)(C), Exemption 7, Personal Information in Law Enforcement Records. This completes ORD's response to your case. There is no charge to you for the processing of your FOIA request.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, email: hq.foia@epa.gov. Only items mailed through the U. S. Postal Service may be delivered to 1200 Pennsylvania Avenue N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 2, 2012

OFFICE OF
GENERAL COUNSEL

Ms. Kathryn Douglass
Public Employees For Environmental Responsibility
2000 P Street, NW, Suite 240
Washington, DC 20036

Re: Freedom of Information Act Appeal HQ-FOI-00485-12-A (HQ-APP-00072-12)

Dear Ms. Douglass:

I am responding to your March 5, 2012 Freedom of Information Act ("FOIA") appeal. You appealed the February 14, 2012 decision of *Edenpfe* Director, Office of Resources Management and Administration, Office of Research and Development, of the U.S. Environmental Protection Agency ("EPA" or "Agency"), to deny the request you submitted to EPA on December 19, 2011. Your request sought documents regarding a report written by Dr. Peter Maida concerning *Edenpfe* workplace complaint and all the supporting materials for the report written by Dr. Maida. The decision stated that your request was denied because the withheld report is exempt from disclosure under Exemptions 5 and 6 of the FOIA, 5 U.S.C. §§ 552(b)(5) and (6).

I have carefully considered your request, EPA's decision, and your appeal. For the reasons set forth below, I have determined that your appeal should be, and is, denied.

In response to your appeal, EPA's Office of Research and Development conducted a second search to locate responsive supporting documents. EPA's Office of Research and Development did not locate any responsive supporting documents. Accordingly, I have determined that the search undertaken by EPA was conducted in a manner that would reasonably uncover all the relevant documents requested. In addition, I have determined the EPA's Office of Research and Development has diligently, reasonably, and adequately undertaken searches to uncover records responsive to your request under FOIA.

You argue on appeal that EPA has improperly withheld the report prepared by Dr. Maida under FOIA Exemptions 5. The withheld report is protected from release under FOIA Exemption 5. Exemption 5 of the FOIA protects from disclosure a record, or portion of a record, that is subject to the deliberative process privilege. The deliberative process privilege protects documents that are both pre-decisional and deliberative. The withheld report reflects the internal discussions and recommendations that were considered during EPA's decision-making process.

Ms. Kathryn Douglass
FOIA Appeal HQ-FOI-00485-12-A (HQ-APP-00072-12)
Page 3

Should you have any questions concerning this matter, please call Thressa M. DeGrandchamp at (202) 564-5679.

Sincerely,



Kevin M. Miller
Assistant General Counsel
General Law Office

Enclosure

cc:

Exempt ORD
Exempt ORD/RTP
Exempt ORD/RTP

AL-14-001-3612

JEFF DENHAM
10TH DISTRICT, CALIFORNIA

E-MAIL VIA WEBSITE:
Denham.house.gov

Congress of the United States
House of Representatives
Washington, DC

August 8, 2014

HOUSE AGRICULTURE COMMITTEE
HOUSE TRANSPORTATION AND
INFRASTRUCTURE COMMITTEE
CHAIRMAN, SUBCOMMITTEE ON RAILROADS,
PIPELINES AND HAZARDOUS MATERIALS
HOUSE VETERANS' AFFAIRS COMMITTEE

Laura Vaught
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460
Phone: (202) 564 - 5200
Fax: (202) 501 - 1519

Dear Ms. Vaught

I am writing on behalf of *exempt* a constituent in my Congressional District, regarding a matter which may be best handled by your office. Ms. Bjerek contacted my District office for assistance in retrieving her Mini Cooper that is being held in Oxnard, California by the EPA.

exempt stated that she ordered a 2015 Mini Cooper from Europe and was expecting to pick it up in Pleasanton, California. She is under the impression that it is due to new emissions and mileage tests that need to be done by the EPA on these new models. She was told that the vehicles would not be inspected until September 25th and, therefore, the earliest she would receive her vehicle is October, two months after the expected arrival date. Does the EPA have any information that they are able to release in regards to when she will be able to receive her car, why it is being held, or whether there is anything *exempt* can do to quicken the process?

I have attached the petitioner's Privacy Release Form for your review
I would appreciate a review and response from your office to try and resolve *exempt* case.

Please reply to my Modesto District Office at: 4701 Sisk Road, Suite 202, Modesto, California 95356. If you have any questions regarding this matter, please contact my Constituent Service Advisor, Melody Maldonado, at 209-579-5458 or by e-mail at melody.maldonado@mail.house.gov.

Sincerely,



Jeff Denham
United States Representative

MODESTO
4701 SISK ROAD, SUITE 202
MODESTO, CA 95356
PHONE: (209) 579-5458
FAX: (209) 579-5028

CONNECT
YOUTUBE.COM/REPJEFFDENHAM
TWITTER.COM/REPJEFFDENHAM
FACEBOOK.COM/REPJEFFDENHAM

WASHINGTON, DC
1730 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-1510
FAX: (202) 225-3402



Jeff Denham

United States Congressman ~ California ~ 10th District

Constituent Request & Release Form

In order to be of service to you, I need to know the following information about your issue:

NAME: <u>exempt 6</u>	DATE: <u>exempt 6</u>
ADDRESS: <u>exempt 6</u>	
CITY: <u>exempt 6</u>	STATE: CA ZIP: <u>exempt 6</u>
DAY PHONE: <u>exempt 6</u>	EVENING PHONE: same
E-MAIL: <u>exempt 6</u>	
SSN: <u>exempt 6</u>	DATE OF BIRTH: <u>exempt 6</u>
"A" NUMBER:	RECEIPT #:
VA "C" #:	MILITARY SERIAL #:

Please describe your issue. You may use additional sheets of paper if necessary. Please enclose copies (not originals) of any pertinent supporting documents.

This is not just my problem, but one shared by anyone in the U.S. who is waiting for a 2015 MINI Cooper. My particular vehicle is currently at a MINI processing center in Oxnard, CA. It is being held there after completing the journey by ship from the U.K. I would have picked it up in Pleasanton, CA in a few days, but the EPA is holding up mine and countless others until they can conduct a new emissions and mileage test on the slightly-tweaked 2015 models.

They will not get to it until September 25, which means the earliest our vehicles can be released will be October. The poor dealer is having to call everyone expecting the arrival of his/her car to give them the bad news. This is costing the dealer money, as people are canceling orders and is delaying sales tax revenue on these vehicles. If there were just 100 cars waiting, that adds up to over \$2 million in inventory.

Can you help facilitate speeding up the EPA doing the test sooner or releasing the vehicles and then do the testing. In addition to the effect this will have on 3rd qtr sales for MINI and delayed sales tax revenue, regular families are losing income as salespeople's commissions will either be delayed or cancelled altogether with the cancellations of orders. PLEASE HELP!

Pursuant to the Privacy Act of 1974, I authorize Congressman Jeff Denham's office to obtain any information that may be necessary to resolve this matter.

SIGNATURE: exempt 6

DATE: 8-4-14

Please mail to:

Congressman Jeff Denham
Attn: Melody Maldonado
4701 Sisk Rd, Ste 202
Modesto, CA 95356



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 31 2014

OFFICE OF
AIR AND RADIATION

The Honorable Jeff Denham
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Denham:

Thank you for your August 8, 2014, letter to the U.S. Environmental Protection Agency on behalf of your constituent Ms. *Example* 's seeking information on a 2015 MINI Cooper she ordered that was being held at a MINI processing center in Oxnard, California. It is my understanding that the vehicle was being held by BMW and not by an action of the federal government.

In order to import vehicles into the United States, manufacturers need to comply with several federal requirements, including compliance with the Clean Air Act. Manufacturers will on occasion store vehicles at their factories or ports until they complete the work necessary to import or ship their vehicles. Because we are not always fully aware of all of the reasons for holding a vehicle and because of potential assertions of Confidential Business Information (CBI) by a manufacturer, we generally refer such inquiries directly to the company to find out why the vehicle has not been delivered.

In this case, we understand that BMW has, on their own, communicated to some customers that the vehicles are being held by the company pending application and approval by the EPA for a certificate of conformity and/or a fuel economy label. EPA received a complete application from BMW for the MINI Cooper and the MINI Cooper S with the manual transmission on September 30, 2014, and approved the manufacturer's submittal on October 1, 2014. EPA received a complete application for the MINI Cooper S with the automatic transmission on October 6 and approved BMW's submittal on October 7.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or 202-564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is written above the typed name.

Janet G. McCabe
Acting Assistant Administrator

THOMAS R. CARPER, DELAWARE, CHAIRMAN

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United States Senate

COMMITTEE ON
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WASHINGTON, DC 20510-6250

GABRIELLE A. BATKIN, STAFF DIRECTOR
KEITH B. ASHDOWN, MINORITY STAFF DIRECTOR

August 6, 2014

The Honorable Gina McCarthy
Administrator of the Environmental Protection Agency
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

During this period of difficult fiscal challenges, it is critical that federal agencies act prudently when making spending decisions, especially when they decide to employ outside vendors. In certain cases, hiring contractors to complete specific tasks or assignments is necessary, and it can be an economical way for government agencies to fulfill their missions. However, it is essential that agencies are fully transparent about relations with government contractors and make objectives clear when outside vendors are hired.

It has recently come to my attention that some agencies are hiring contractors to monitor news articles, editorials, and journalism projects that mention the agency and then rate each story accordingly as positive, negative, or neutral. Tracking media coverage in this manner may inhibit news outlets' communications with federal agencies and restrict the flow of public information.

It is understandable that agencies strive for awareness of how their actions and practices are being portrayed in the media. However, spending appropriated funds on outside contractors to rate media coverage without appropriate transparency efforts is an inefficient use of agency resources.

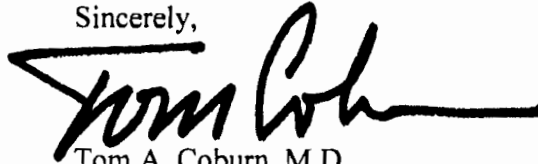
To help me gain a better understanding of how the Environmental Protection Agency handles the monitoring of news coverage, please provide answers to the following questions:

- 1) Does the Agency employ an outside vendor to monitor and track news articles, editorials, and other journalism publications that implicate the Agency?
- 2) If the answer to Question 1 is "yes," please also provide answers to the questions below:
 - a) Is the vendor instructed to rate each news publication or story as positive, negative, or neutral?
 - b) How does the Agency utilize the information compiled by the vendor?
 - c) What vendor did you hire to complete this task?
 - d) What was the cost of hiring such a vendor in Fiscal Year 2014?

- 3) Are any full-time employees at the Agency responsible for monitor and tracking news articles, editorials, and other journalism publications that implicate the Agency?
- 4) If the answer to Question 3 is "yes," please also provide answers to the questions below:
 - a) Are such employees instructed to rate each news publication or story as positive, negative, or neutral?
 - b) How many employees at the Agency are responsible for this work?
 - c) What are the titles of such employees?
 - d) What are the annual salaries of such employees?

Your response is requested no later than August 20, 2014. Thank you for your attention to this important matter. If you have any questions about this request, please contact Sally Braeuer on my staff at (202) 224-4597 or via email at SallyAnne_Braeuer@hsgac.senate.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Coburn", with a stylized flourish at the end.

Tom A. Coburn, M.D.

Ranking Member

Committee on Homeland Security and
Governmental Affairs

AL-14-001- ~~2001~~ 2197

FRANK D. LUCAS
3RD DISTRICT, OKLAHOMA

2311 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3603
(202) 725-5555
www.house.gov/lucas

ASSISTANT MAJORITY WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-3603

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SPACE AND AERONAUTICS

ENERGY AND ENVIRONMENT

The Honorable Gina McCarthy
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington DC 20460

The Honorable Chuck Hagel
Secretary, Department of Defense
1000 Defense Pentagon
Washington DC 20301-1000

July 8, 2014

Secretary Hagel & Administrator McCarthy:

The Federal Excess Personal Property (FEPP) and Firefighter Property Program (FPP) benefits all rural fire departments in my state. Through this program and in cooperation with Oklahoma Forestry Services those rural fire departments receive federal excess property that can be converted to firefighting equipment. This is critical to maintaining effective fire protection throughout Oklahoma where budgets are already stretched thin.

I, along with Oklahoma Forestry Services personnel and rural fire chiefs throughout the state, was shocked at the announcement that the Defense Logistics Agency (DLA) has ceased all transfers of vehicles under the FEPP and FPP due to a decades-old agreement between the Environmental Protection Agency (EPA) and the U. S. Army Tank-automotive & Armaments Command (TACOM). Both as a Member of Congress and a rural Oklahoman who is served by a rural fire department I find this development very troubling.

Please provide to my office as soon as possible information regarding why the EPA-TACOM agreement is being arbitrarily enforced at this time and seemingly without public comment or congressional input. Further, please provide an explanation of why DLA is suddenly enforcing a set of regulations it has long disregarded.

Oklahoma's tireless rural firefighters, most of them volunteers, deserve our full support in the absolutely essential service that they provide, and it is my hope that, working together, we can resolve this situation in a way that allows this federal-state-local partnership and wise, cost-effective use of public resources to continue.

Sincerely,



Frank D. Lucas
Member of Congress

c.c. Vice Admiral Mark Hamitchek, Director, Defense Logistics Agency

DISTRICT OFFICE:

10952 NORTHWEST EXPRESSWAY
SUITE B
YUKON, OK 73099
(405) 373-1958

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 29 2014

OFFICE OF
AIR AND RADIATION

The Honorable Frank D. Lucas
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lucas:

Thank you for your July 8, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy expressing your concerns about delays or possible conditions put on surplus military equipment transfers to local governments through the Department of Defense. The Administrator asked that I respond on her behalf.

As of August 18, 2014, the Defense Logistics Agency (DLA) has resumed the disposition of the surplus vehicles and equipment that were previously suspended. The practice and terms under which DLA disposes of this equipment remains unchanged from the past practices. My understanding is that DLA only requires tracking of certain militarized vehicles where for public safety reasons DOD would want to limit ownership of the vehicles to the appropriate state and local government authorities. EPA has no regulations or requirements related to this practice.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

AL-14-001-3029

TIM KAINE
VIRGINIA

COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
FOREIGN RELATIONS

COMMITTEE ON
THE BUDGET

WASHINGTON OFFICE

WASHINGTON, DC 20510-4607
(202) 224-4024

United States Senate

WASHINGTON, DC 20510-4607

July 18, 2014

Ms. Laura Vaught
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Vaught:

I have recently been contacted by *Exempt 6* Attached please find a copy of that correspondence. I would appreciate it if you could look into this matter and provide me with an appropriate response. Thank you.

Sincerely,

Tim Kaine
Tim Kaine

Exempt
Exempt
Exempt
Exempt

Message: Please convey to President Obama the need for an Energy Conversation with the American people. Where is the Keystone Project? How would it benefit us? Would this mean cheaper energy for Americans or would it be exported? What are the environmental and land domain issues? Also, is nuclear energy good for us? How are alternative energy programs working? We can "lose" a lot of the political problems with the Middle East as we increase energy independence while decreasing usage.

We need the President to give us a 20 minute speech with 10 minutes Q&A for the reporters.

AL-14-001-2304

CCU

70 North Mason Street
Harrisonburg, Virginia 22802
540-432-2391
540-432-6593 FAX
Eric.Bagwell@mail.house.gov

Congressman Bob Goodlatte
Sixth District of Virginia

Fax

**To:** Laura Vaught**From:** Eric Bagwell, District Representative,

Congressman Bob Goodlatte

Fax: (202) 501-1519**Pages:** 5 (including cover)**Phone:** (202) 564-5200**Date:** 7/14/2014**Re:** Constituent Inquiry

☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

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BOB GOODLATTE
8TH DISTRICT, VIRGINIA

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WASHINGTON, DC 20515-4806
(202) 225-6431
FAX (202) 225-9881
www.house.gov/goodlatte

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Congress of the United States House of Representatives

July 14, 2014

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AND CREDIT

SUBCOMMITTEE ON
DEPARTMENT OPERATIONS, OVERSIGHT,
AND NUTRITION

DEPUTY WHIP

Ms. Laura Vaught
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3426 ARN
Washington, D.C. 20460

VIA FAX

Dear Ms. Vaught:

Attached please find an e-mail that I have received from my constituent, *relaxmpt6*
allem regarding his concerns about reports that the EPA wants to stop the Department of
Defense from allowing excess DOD vehicles to be used by rural fire departments.

I would appreciate your looking into this matter and providing me with a response for my
constituent. Please mail your response to my Harrisonburg office at the address marked below.

Thank you for your assistance.

With kind regards.

Very truly yours,

Bob Goodlatte
Member of Congress

RWG:eb

Attachment

✓ 70 NORTH MASON STREET
HARRISONBURG, VA 22802-4128
(540) 432-2391
FAX (540) 432-8593

□ 918 MAIN STREET
SUITE 300
LYNCHBURG, VA 24504-1808
(434) 046-8308
FAX (434) 845-8245

□ 10 FRANKLIN ROAD, S.E.
SUITE 840
ROANOKE, VA 24011-2121
(540) 857-2672
FAX (540) 857-7071

□ 117 SOUTH LEWIS STREET
SUITE 215
STAUNTON, VA 24401-1282
(540) 888-3881
FAX (540) 888-3930

> From: *Exempt 6*
> Sent: Monday, July 07, 2014 9:50 AM
> To: Goodlatte, Bob
> Subject: EPA Plans Will Cripple Rural Firefighting Crews | BEEF Daily
>
> http://beefmagazine.com/blog/epa-plans-will-cripple-rural-firefighting-crews?NL=BEEF-02&Issue=BEEF-02_20140707_BEEF-02_227&YM_RID=frank@imso-lutionsva.com&YM_MID=1474866&sfvc4enews=42&cl=article_1_1
>
> As I travel, I see many communities that have incorporated "retired" military and other vehicles into their fire departments, emergency services and often "town" fleets. I'm not sure I follow the logic behind the idea not to allow this use in the future.
>
> Regards,
>
> *Exempt 6*
>
>
> *Exempt 6*

BEEF Daily

EPA Plans Will Cripple Rural Firefighting Crews

Jul 7, 2014

If the EPA has its way, rural firefighting crews will no longer be able to utilize retired Department of Defense vehicles to fight wildfires in a cost-effective manner. This could be a costly, and potentially deadly, decision for rural communities. What do you think?

RELATED MEDIA



13 Images From A Barn Burning

- 70+ Photos Honor The Hardworking Cowboys On The Ranch
- 60+ Stunning Photos That Showcase Ranch Work Ethics

It looks like the Environmental Protection Agency (EPA) is at it again – and this time the agency's actions could endanger the lives of rural Americans, their livelihoods, and the health of the environment. In a new agreement, the EPA wants to stop the Department of Defense (DOD) from allowing use of excess DOD vehicles by rural fire departments to fight wildland fires. I can only imagine how devastating this could be to some communities.

I have several family members who serve on volunteer firefighting crews during wildfire season, and the ability to respond quickly to these fires can spell the difference between saving or losing acres of trees, pastures and homes. Without these rural fire departments, these small communities will have to rely on larger urban firefighting crews, which likely means longer response times.

Join the conversation! Follow us on Facebook and Twitter.

According to the *Oklahoma Farm News Update*, "Through two long-standing federal excess property programs, Federal Excess Personal Property (FEPP) and Firefighter Property program (FPP), state forestry services across the country have been able to assist rural fire departments by providing no-cost military trucks that are then re-manufactured into wildland engines and water tenders through its Rural Fire Assistance Program. Without access to the vehicles and other equipment, many rural fire departments will find it difficult to operate, as commercial trucks are cost-prohibitive for most departments."

Not only will this limit how effectively rural firefighters can respond to wildfires, but it will be more costly for rural communities. Plus, it likely will mean more air pollution and particulates due to longer-burning fires and less efficient vehicles. I thought the EPA was all about reducing greenhouse emissions and working to reduce our carbon footprint? Or are they too busy writing ridiculous regulations aimed at putting ranchers out of business?

The *Oklahoma Farm News Update* also reports that local firefighting crews are the first on the scene for more than 75% of all wildfires. The loss of this kind of response could literally mean the

difference between life and death in rural communities. However, EPA apparently feels it's better to spend money on things like regulating dust in fields or mud puddles in my driveway.

You can read more about the proposal and how it will impact small communities here.

In my neighborhood this spring, rural firefighting teams have twice responded to barn fires within miles of my house, with the larger units from town being the last to show up. In western South Dakota, rural firefighting teams are critical to protecting the Black Hills and the ranchers and rural residents who live in those areas. Without them, the results of wildfires could be deadly.

Even last year, when my parents burnt down an old barn, we relied on the assistance of local firefighters. Elective fires are part of the ranching business, too, and big city firefighting teams don't have the time to assist in these burnings, either. This is just another example of how rural America will be impacted if this goes through.

What is the EPA thinking? How might this agreement impact your community? Are wildfires an issue in your area? Share your thoughts in the comments section below.

The opinions of Amanda Radke are not necessarily those of Beefmagazine.com or the Penton Farm Progress Group.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 29 2014

OFFICE OF
AIR AND RADIATION

The Honorable Bob Goodlatte
Member, U.S. House of Representatives
70 North Mason Street
Harrisonburg, Virginia 22802

Dear Congressman Goodlatte:

Thank you for your July 14, 2014, letter to the U.S. Environmental Protection Agency expressing your concerns about delays or possible conditions put on surplus military equipment transfers to local governments through the Department of Defense.

As of August 18, 2014, the Defense Logistics Agency (DLA) has resumed the disposition of the surplus vehicles and equipment that were previously suspended. The practice and terms under which DLA disposes of this equipment remains unchanged from the past practices. My understanding is that DLA only requires tracking of certain militarized vehicles where for public safety reasons DOD would want to limit ownership of the vehicles to the appropriate state and local government authorities. EPA has no regulations or requirements related to this practice.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

July 8, 2014

The Honorable Gina McCarthy
Environmental Protection Agency
Office of the Administrator
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Major General Gwen Bingham
U.S. Army TACOM
AMSTA-CS-P
6501 E. 11 Mile Rd.
Warren, MI 48397-5000

Dear Administrator McCarthy and MG Bingham,

We are writing to you regarding an issue of great importance to Kansas and the safety of many of its small, rural communities. For more than 40 years, the Kansas Fire Service has transferred military vehicles to fire departments for use in their operations. These military vehicles, which are disposed of and transferred through the Defense Logistics Agency, are utilized by many Kansas Fire Departments. Currently, the Kansas Fire Service has 442 vehicles, originally valued at almost \$23 million, in use by 81 Kansas counties. In Kansas many local fire departments are the first responders to any pipeline incident, and these vehicles provide them with the necessary capabilities to meet these obligations.

These transfers have a long history of being mutually beneficial to the Department of Defense and to state and local fire departments. As such, we find recent reports that the Environmental Protection Agency and the U.S. Army's TACOM Life Cycle Management Command have suspended the current contract very troubling as it will have significant impacts on our local communities. Not only will new requests not be honored, but currently used vehicles will be unable to be repaired. These vehicles are providing essential services, and are being utilized on an as-needed basis. Thus, the environmental impact of these vehicles is small, as they are not being utilized in day-to-day operations.

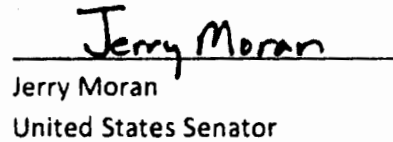
Our local communities depend on these vehicles for public safety. This immediate termination puts local fire district in a potentially dangerous situation during a volatile tornado and weather season in Kansas, and could hamper efforts to respond to fire disasters and protect the local communities. We strongly encourage previously approved practices by the EPA and

Department of Defense in this regard to be re-implemented immediately. We appreciate your consideration and timely response to this request.

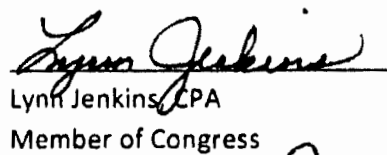
Sincerely,



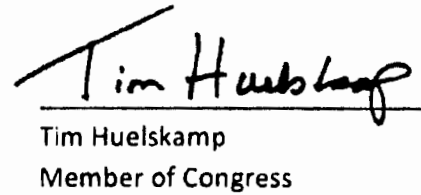
Pat Roberts
United States Senator



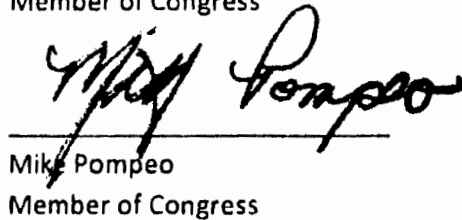
Jerry Moran
United States Senator



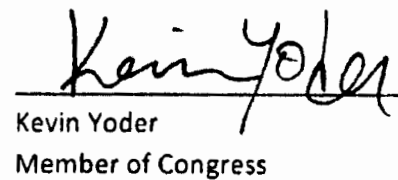
Lynn Jenkins, CPA
Member of Congress



Tim Huelskamp
Member of Congress



Mike Pompeo
Member of Congress



Kevin Yoder
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OFFICE OF THE
REGIONAL
ADMINISTRATOR

JUL 16 2014

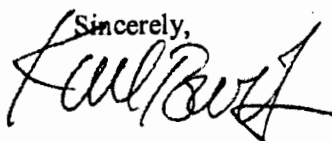
The Honorable Pat Roberts
United States Senate
Washington, D.C. 20510

Dear Senator Roberts:

Thank you for your letter of July 8, 2014, to the U.S. Environmental Protection Agency regarding your concern for the continuation of transfer of military vehicles to fire departments for use in their operations. The EPA and the Defense Logistics Agency have reached an agreement that allows the transfer of excess equipment to continue for both law enforcement and firefighting agencies.

Enclosed is the press statement issued by DLA regarding the agreement. It can also be found at:
http://www.dla.mil/DLA_Media_Center/Pages/newsarticle201407111550.aspx

Again, thank you for your letter. If we can be of any further assistance, please feel free to contact me at 913-551-7006, or your staff may call LaTonya Sanders, Congressional Liaison, at 913-551-7555.

Sincerely,


Karl Brooks

Enclosure



Printed on Recycled Paper

DLA continues support to firefighting, law enforcement agencies

7/11/2014

By Ken MacNevin, DLA Disposition Services

The Defense Logistics Agency continues to provide excess military vehicles in support of fire service and law enforcement agencies after consultation with the Environmental Protection Agency determined that was allowable. While the agency temporarily suspended the flow of excess vehicles outside the Department of Defense on June 19, overall support programs continued. The agency resumed the flow of all authorized equipment for firefighters and law enforcement July 9.

"When we found that some diesel engines used in military equipment had been exempted from EPA standards and were only approved for use by the armed forces, we had to hold vehicles from further distribution until we could consult with the EPA," said Air Force Col. Michael Cannon, the director of DLA Disposition Services. "We had to ensure we were not in violation of regulations and agreements supporting the Clean Air Act."

Civilian fire departments and law enforcement agencies that obtain the kinds of vehicles and equipment in question take part in voluntary programs offering that equipment for free, Cannon noted. "We are very aware of the importance of these programs," he added. "We had an obligation to ensure that we did not send someone equipment they might not be allowed to use."

DLA regularly distributes equipment, to include vehicles, to other federal and state agencies for continued use after the military identifies it as excess. The engine restrictions drew scrutiny during a DLA staff review of excess military vehicle regulations.

"We learned that the armed services had received EPA exemptions for certain types of engines in question, because during deployments those engines might have to be able to burn types of fuel not used at home," Cannon said.

Mike Scott, deputy director of DLA Logistics Operations said DLA immediately began discussions with the EPA, "resulting in a determination that DLA would retain title to the vehicles, allowing the national security exemptions to remain in effect." "The agreement allowed the flow of vehicles to law enforcement and firefighters to be reestablished," Scott said.

DLA is the arm of the Defense Department that manages excess property turned over to it by U.S. military units around the world. The agency's first priority is to encourage other elements within the armed forces to reuse items. If equipment is not reused within the military, it can supply special programs such as the firefighter and law enforcement programs.

Scott noted that DLA can also transfer items to other federal agencies and donate many types of property to state and local governments. Eventually remaining items that are safe for public use are purchased by a contractor who then sells them to the public via online auction.

"We're continuing to work with the EPA to find effective and compliant ways to provide the engines in question to those other outlets," Scott said.

MITCH McCONNELL
KENTUCKY

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AL-14001-3027

United States Senate

REPUBLICAN LEADER
COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

July 22, 2014

Ms. Laura Vaught
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Room 3426 ARN
Washington, D.C. 20460-0003

Dear Ms. Vaught:

Kentucky firefighters have informed me that the U.S. Department of Defense (DoD) recently attempted to halt its traditional practice of transferring surplus military equipment and vehicles to states and local governments for fear that this practice violated the Clean Air Act administered by the U.S. Environmental Protection Agency (EPA). Kentucky has received nearly \$50 million in equipment and vehicles over the last thirty years as a result of the Federal Excess Personal Property (FEPP) and Firefighter Property Programs (FPP) under the Defense Logistics Agency within the DoD. A majority of this equipment, to include approximately 1,400 vehicles, has gone to Kentucky's more than 750 volunteer fire departments that provide vital emergency services to rural communities and help suppress forest fires throughout the Commonwealth. Attempting to halt this long-held practice is another example of this administration placing over-burdensome regulations ahead of the interest of my constituents.

It is my understanding that EPA's initial position drew much deserved criticism, which may have led the DoD and EPA to quickly reach an agreement allowing for the continued transfer of surplus military equipment/vehicles to state and local firefighters. However, I am told this agreement also mandated new, burdensome regulations that require extensive tracking of distributed vehicles for state and local governments seeking to participate in the FEPP and FPP programs.

These new reporting requirements are of great concern to Kentucky's rural firefighters who depend on these donated vehicles to help deliver emergency services to communities throughout the Commonwealth. As noted in the enclosed correspondence from my constituent, ending these programs or placing burdensome stipulations on the use of this equipment would have a severe negative impact on the ability of Kentucky firefighters to keep our communities safe.

I ask that you review and respond to the concerns of my constituent, particularly whether you anticipate recalling equipment in the future and if so, under what legal authority.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/ah

Enclosure

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PADUCAH, KY 42001
(270) 442-4554

Kentucky Firefighters Association

Office of President
Chris Crawford



July 18, 2014

The Honorable Senator Mitch McConnell
317 Russell Senate Office Building
Washington, DC 20510-1702

Dear Senator McConnell,

For the benefits of the citizens, and the firefighters of the Commonwealth of Kentucky please see to it that the Environmental Protection Agency relaxes its requirements on the Federal Excess Personal Property (FEPP) and the Firefighter Property Program (FPP). These programs have been very beneficial to the firefighters of Kentucky, many departments have been able to access Humvees to retrofit them for wild land firefighting vehicles. Fire Departments across the state have been taking advantage of this surplus equipment and putting it to good use, not only have they had access to vehicles, but they have access to surplus military generators, and they are using these generators to power fire stations and water pumping stations during times of emergency when there has been a disruption to the power grid.

A couple of departments that have been very fortunate in the program are Versailles Fire Department, who received a couple of Humvees, Kuttawa Fire Department who has generators from the program. As you can see the FEPP and FPP are vital to the citizens and the fire service of Kentucky and we would like to see you halt the EPA with stopping of this equipment from being put to good use.

Sincerely,

A handwritten signature in cursive script that reads "Chris Crawford".

Chris Crawford



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 29 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your July 22, 2014, letter to the U.S. Environmental Protection Agency expressing your concerns about delays or possible conditions put on surplus military equipment transfers to local governments through the Department of Defense.

As of August 18, 2014, the Defense Logistics Agency (DLA) has resumed the disposition of the surplus vehicles and equipment that were previously suspended. The practice and terms under which DLA disposes of this equipment remains unchanged from the past practices. My understanding is that DLA only requires tracking of certain militarized vehicles where for public safety reasons DOD would want to limit ownership of the vehicles to the appropriate state and local government authorities. EPA has no regulations or requirements related to this practice.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator